

REMARKS

No claims have been amended, canceled, or added. Claims 61-63, 70, and 73-83 are pending.

References to "Applicant" herein are to the assignee of record, which the undersigned represents. An assignment has been recorded, and a Statement of Ownership and General Power of Attorney have also been filed. Thus, the rights of the original Applicants/inventors have been excluded.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Double Patenting

The Examiner rejected claims 61-63, 70, and 73-83 on the ground of nonstatutory double patenting over claim 1 of US Patent 7,353,267 B1.

A terminal disclaimer is filed herewith to moot the rejection.

Though a terminal disclaimer has been filed, this should not be taken as a concession that the rejection was correct. To the contrary, it is believed that the cited claims are patentably distinct. The terminal disclaimer is filed because it presents the path of least resistance. That is, by filing the terminal disclaimer, all of the claims in the application will be in a condition for allowance. Thus, further delays arising from arguing the rejection are avoided, as are the considerable costs of making the arguments. This is an excellent compromise, and is the sole motivation for the terminal disclaimer.

Conclusion

It is submitted that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

The Examiner's consideration of the references of record is appreciated. It is presumed that the Examiner has considered the entire disclosure of each of the references of record with respect to anticipation (individually) and obviousness (in any combination).

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Appl. No. 10/810,464
Amdt. Dated 12/10/2008
Response to Office action dated 11/25/2008

With respect to this filing, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 503456. Please consider this paper to be a petition for extension of time, if necessary.

Respectfully submitted,

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